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what is important is to understand how to address the question and for this reason, we have after the part on data protection, a specific part that is called Data blush on the grounds in which we discuss all together in some cases, that is the same exercise that we do during the class during the exam. Okay. So two parts. The only point that I want to realize is that there is a threshold each question by 4.5 points. So, the logic is that is important that you know, both the topic you cannot pass exam, taking I mark in the low pass on to the computer science part and not in the other one. So, the minimum level should be in both the areas because it's a combination because of these two fields, so is expected from you that you don't at least that minimum level both of them. So you cannot compensate with a nine mark in one past the low market to low market we can say in the other one. So, this is an example of questions. For the legal part. There are two kinds of question the first kind is this one. That is a general theoretical question. What is the potential role by design approach and data protection technology regulation? Of course, you don't know the answer. But we'll know in the next in the next weeks. So, this is a general theoretical question. It means that you have to discuss an argument that was addressed during the glasses and you have to provide your knowledge about that topic. And then we have another question. This is a short one, but there can be longer. That is the application of what we learned during the class set to a specific case. In this case is very brief. It is an IoT manufacturer that collects as information using a wearable device for support for sport activities, and share the information with the insurance companies. Okay. So it's like a tracker. And here the problem is that they collect information and they share information with the insurance. And the insurer, of course can detect information about your health condition, and this can affect the way in which the insurance measure your risk and the cost of the insurance. So this is a short case example the case can be longer it depends by the specific nature of the case. But four or five lines not more, not expected along with this curriculum. And in this case, you do not provide a general theoretical answer, but we have to focus on the case. So for instance, you cannot address this. This question saying, oh, data protection is very important. In particular, LTE data are very important. And protected by the GDPR consider a sensitive data you need consent. And that second general answer is not what I want. You have to address the specific case. The specific case is IoT manufacturers have the question is is based in Europe based or not is based in Europe is under GDPR. This data, so to collect the first step to collect data should have an agreement or consensus of the data subject or either other legal background this case is quite difficult. And then you discuss about the fact that these data are shared with another company and the relationship within the two entities in terms of data protection controller processor, DRAM controller,

blah, blah, blah, and the the decision to share this information to another company if it's possible or not. What are the legal requirements to share this information with another company in terms of agreement, consent of the data subject, in terms of promises on another assumption, so when we focus on the problem, I don't want the general description, descriptions or in which you put the list of all general requirements that we have to address in any data processing operation, the answer for this specific data protection operation, okay. Any question? So this is for the exam as for my bath of course.

Okay, so if there is no any other questions, do you have any question about the course.

Okay, the cursor is in presence as you can see, it has some specific issues of course, we have bought, withdraw and die. We have gone to the recordings of the last few years, so can be made available to students that are specific needs that cannot attend the classes. But of course, the idea, according to the approach of our university is that the class should become in person as recorded here. But both Antonio and I are quite open about the idea that we can share recordings, I think that Antonio will use streaming directly. And the recording of the streaming I think for my band is not necessary because it's almost the same of the past year. Of course, we see if it will be approved. The AI regulation, two largest the focus remains on the same topic. And the main reason is due the fact that as you said before, this is an introductory course about this topic. So I tend not to dig too much in the legal matter because we have no background. And so of course, stay at very high level. There is not a lot of news, because I cannot discuss the last guidelines of the European Data Protection Board because too technical and legal and not relevant for this kind. Of course, I've got some differences, but can say minor differences between this year and the past year, some app updates relating to the last case or the last guidelines or document issued by the regulatory bodies. So this is for the introduction to the course and then we start with the main topic. As I say before we started with the sort of reflection we can say on the relationship between law and technology.

So I gave you some basic information about law because as we have not a legal background is difficult to discuss about specific piece of law like the GDPR AI regulation. If you never have an idea about the what is the legal framework, of course in your day by day experience, you have many opportunities to interact with the legal phenomena, but generally speaking is necessary to have a sort of minimal knowledge about this topic.

So first of all, when we discuss about the legal framework, we have to take into account that there is not all liquid legal framework. The fundamental logic of the law is that is territories it means that when you change from a country to another, you change also the legal system. Of course, this is the very basic rule as all the rules and specification any country as is so low, but there are similarities. It means that if you stay in Italy and you go to France it's true that in France, the France law is applicable to you and no longer the Italian one but to understand there are similarities between to these two legal systems. But first part is law is not person. The fact that you are Italian or from any country you want is not related the fact that that law of your country will be applied to you. The basic rule is different, where you are the law that is applicable in that territory is applicable to you. This is very important because it means that you make business in another country. First you have to check with the existing law. And this is very relevant also in data science market. There are many companies that prefer to go to the US for instance, because in terms of use of data at the moment, and in the majority of the states right now, there are no regulation or very soft or sector specific regulation. So that you can do something that here is a bit more regulated, is nothing for law is the same for biotech or for many other sectors, different kinds of regulation around the world. If you go to China, you have a different system and you have to comply with the Chinese system, this view is the same. So whenever you move you have to take into account the specific legal system that exists of course, the legal system is not something that is bring from someone like in the Moses description in the Bible, legal system that that comes from the mountains that this is the law, but the laws is a bottom up process typically. So comes from society. This means that society as not always the same law by the law change over the time according to the change in society. Change there can be democratic or non democratic changes of course, why I want to point out this aspect because there are similarities in the legal framework because there are similarities in societies. So what are just stands for instance, in the field of data regression, US, Canada, and European Union are quite similar in their regression but if you compare this model with Russia, with China, there are many differences because in that countries, the role of the state and the control of the state is much more higher and impactful on the individual rights and freedoms so in this sense, we are closer to us than to Russia, although geographically we are coolant rash than the US. So it's very important to have a sort of relativistic approach to be aware that there are many differences. Around the world. And be aware that there are many similarities, because over the time, there are some clusters of countries that dabbled in a similar way. For instance, all the continental Europe, largely grounded on the past experience in the Roman law, maintain a lot of similarities. If you got in a in Spain, the Basic Law in the field of private law is civic code. If you go in France, you find a civic code. If you go to Germany find some code if you can't Twitter, there is a secret so simulate this based on the Simulate historical evolution or development in that countries. So for this reason, we can cluster eyes the different legal framework. As far as usual for our discussion, there are two big model one is the European continental model known as its CD low model, because it's based on the CD world.

So the the law of the citizen the law of the people that are interacting in the private sector, basically. And we have the other model that is the common law model that is the law of UK and all the countries that over the years and the center's UK, as colonized around the world basically UK and US of course, and this to Moodle are very, very different in terms of basic structure, but are quite similar in terms of function. So let's look back at your experience. Have you ever seen an app movie about law in us? Moving which let's discuss some legal issue? Yes. What was in order to address the legal issue? What was the first step of the lawyer what they do in the movie they try to find a similar case okay. You know, this parts of the movie. So typically when there is a problem, they go to the law library that open the books and try to find a previous case that is similar. This is the role of the binding precedent. The idea that the case already decided in the past, shape the future English. Why, in the common law system, they use this kind of approach. Let's compare with that civil law in the civil law system. In the debate in Europe, what happens when there is a legal problem, what is their reaction? What they do is what they search for.

They try to find a piece in the text of law that is about this specific issue. This is a big difference. The common law was built on the jurisprudence on the case law on the collection of previous decision at the city law was on the texts of law. Why? historical reason. We start with the Roman in the process of codification, first code when the Roman code and then we continue over the centuries to have codes. The most important was the French code. And then the other similar initiatives after the French code adopted in countries where the French colonized the country like in Italy, or for similar approach or in Germany. In the common law, they don't adopt this kind of approach because the structure was different from the normal periods in UK. The model was based on Gods that goes around and address the issue that in the single village in the single town exist and there were not specific texts of law. The normal one not so clever, low, and they are just case by case the situation of course is a commute to your town and discuss a case in which someone's told something and they say that it is not good and they have to pay the money for the value or while it was stolen. And if I come back after one week, and there's a similar case, they say, oh, it's not a big issues. You have only to apologize you have not to pay you got to decode the sale last week. That's the reason of the binding precedent. One of the key elements in all the legal system is the certainty of the law. The law should be more or less clear for everyone. You have to know what happens if you do something or if you don't not do something. This certainty can be achieved only through a system that so similar cases in the same way. In the common law this system is created based on the previous case. I have a previous case in which I've decided this specific situation. So that way, I have to follow the case in order to have the certainty of the law. Of course, what is the problem? And the main problem is that there are a lot of juveniles a lot of course, you cannot have all the diffusion of all the courts as a binding because became a mess. You have to check everything before they can achieve. So the binding the cision are only the decision of the High Court and this is another point that if you're not expressing love, I probably you know indirectly. There is not only one course, in each country, but there are many countries. Again, territory based and also distributor of different level. We have the tribunal Court of Appeal and the high court or called the Casio. So, the three level is based on the idea that as the judgment is an exercise based on the fact that a person that does not know what happened, try to understand what happened and make a decision based on a series of elements of proof. Of course there is a lot of risk in this process. Because you the judge was not that and the facts try to stretch the facts in their favour, of course. So this entire is some risk in terms of misunderstanding about the dose or misunderstanding about the law because there are many laws or many legal principle, many similarities sometimes. And is that can be the case that you select the wrong legal principle in order to address the case. For this reason, we have three degree in order to have the chance to read discuss both the facts and the law applicable to the facts in order to reach a sort of certainty about what happens what is the solution of course is not a perfect system, but to live just tend to reduce the risk that is inherent in this kind of human the tissues.

So we have different level and the level of not only erratically oriented but also territory distributed. So first level it usually is close to the citizen. You have a tribunal in small island we can say it depends by the country but relatively small Iris. We are courts of appeal at regional level typically and we have the high court at national level. This system makes it possible to have a stronger effect of the High Court. Why?

Because you make the tree less in order to reach the last one when you reach the last one is the final decision. You cannot react against the final decision. So what it happens in AWS that we have two similar case and they go to two different tribunals according to the territory competition. The first case can be decided according to the rule A we can say and the second case according to the rule be both the parties react and appeal and the appeal is only one is regional appeal there that receive a and b solution to the similar case. Of course what can do the appeal court in which way down to there are two cases that are similar, decided in two different way by the first a MP mistake. So what do what can do the courts of appeal if you have the judgment according to be what you can do it's not difficult for an engineer

you select a or b or c of course you can disagree those because you are not binded by the previous decision, we can freely reconsider the case. But imagine that you decide all day and imagine the same game at the national level. The courts of appeal with two different decision go to the High Court that is only one and the high court decide that between A and B is the right approach to the case.

If at national level, the court the High Court say that A is the right approach to the case. What happens in the next case is similar to this one. If you are a judge in a tribunal, what do we can do? In this case, you will follow the high court or you decide something different because we are convinced that

in Europe, continental Europe, what is not mandatory is independent you can decide freely, but it's true that theoretically you can decide in a free way but if you decide to be what is the impact V is different from the decision of the High Court. So if you decide to be part of the trial with you what they do

So, is that your case? If you are a judge what they do? They trade with the high courts, they go to the PLA and then they go to ikata at least in order to have the final forever if they are for free. Okay. So this is the situation that we have in continental Europe. It's true that the decision of high court is not mandatory is not binding, but they have an influence because if you disagree with the High Court, the parties of the trial try to go to the High Court and at least the High Court in terms of coordinates will maintain the previous position. And so the decision of our courts have an influence on the entire legal system. And through this influence, we reduce the great problem that we have in the law that is our interpretation of the fact that the same one rule can be interpreted in different ways, because our texts and all the texts can be interpreted in different ways you send that message and who will see the message. This is a typical exercise that we have with texts and interpretation. The same is in the law. Some texts can be interpreted in different ways. Is not like another science, which there's only one possible way in the world there. are various possible way in order to read and this is now necessary. A problem. We see also in cases this is also reserved because it makes possible to adapt to the new situation. If the law is too strict, and too well defined, it became very rigid, and it's difficult to adapt the law to the changes. So interpretation is a resource, but of course there is also a risk of too many interpretation or you don't know what happens and what is the rule that is applicable to your case. For this reason, also in the continental Europe that is so pleased on the the text of the law. We have this system of the court so that at the end of the day, create an AI or value into the decision of the high courts that are not binding. But on the other course. Of course this did not prevent that tribunal. Knowing the position our courts decide to take a different position. And in that case, what they have to do to provide strong arguments and the data metadata to say, Oh, I know that position is not the same as the I court. But for this this this this reason. I'm convinced that is not good. What the Court said in this case, and then you have to change his approach. And sometimes the courts say oh yeah, you are right. And the change the approach because this is the goal is not forever, can change is there's so called overruling. So the fact that you change your league is an example in Italy for example, in the farmers from popular singers are singer Rosa when we went today and I record because there was a movie about him with some aspects related to his private and family life and you can look for it they were revealed. And the courts say in Italy there is not right to privacy. And so you cannot complain about that. If you are were not able to get sacred the facts about your private life. They can publish and make a film without any problem. Okay. This was in the fifth 20 years later. The same I caught in front of this in the side in a case about a famous model that a famous actress that was close to a villa and I was shot by a reporter paparazzi and that was published the photo with and boyfriend and she say Oh, this is my private lab. It's true that famous actress but this is my private life inside the my private home. And the Court said in 1975 Yes, you have a right promise. Because there is a right to privacy, though is not written in the law because there is not any piece at that time, which there was clear set right to privacy by basically the legal framework we can provide a deposition say that you have a right to price. Of course, if you think that there was a case and this from the case, the second one up two different decision to legal decision with arguments. The first one says there is no right to privacy and they're gonna say yes, there is a right practice. And the law remains the same because we have neither before neither I nor after specific provision that recognize in Italy the right breath provision comes in the nightstand five, six Okay.

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So, why because interpretation was different, because the court recognized that the changes in time in the social behavior require a layer of protection against the media invasion in private life. What in the 50 was very specific case for very famous people and very we can say occasional activities in the 70s was normal. Were endear journals that were based on grabbing content about private life. So called Yellow brass saying okay or in Italy is Pink Plus. Okay. So this was the job of this journalists and so there has an impact on private life and the course they go this is a social issue. They have to do something and they recognize the rights practice. So this just to point out that the system is not rigid. The system evolves and take into account the needs of society. In the league in the common law system, is the same is true that the common law the binding precedents are a limitation in the freedom of the judgment of the court, but you can decide to over rule the binding precedent. Also, the Supreme Court can say no recently on the abortion in the Supreme Court in us that reverse very famous binding precedent that that rule was since that was the road case was made, by the way on

right to privacy. Dissemination because right pricing us is different from the right pricing in continental Europe and the Supreme Court change the approach and a different approach towards abortion with a man who is also outside of yours. Why, because also in a system in which there is a binding precedent, the High Court can overrule can decide that situation are different, that are the case that is of interest for us that technology is different. And so you need a different kind of solution of this case. And that precedent that previous case is no longer relevant, you have to change. So these are the two big families of the law, but there are many, many others of course, but these are the most relevant.

So also based on this description of the two families we can say that the main goal of the law is to interact with society needs the function of the law is to try to shape regulate the society in this sense, is a product of the same society. We have some laws because we agree about some value. In Italy for instance, we have laws against discrimination, in favour of equal opportunities, etc, because we are convinced that these are the values that should inspire our action. But in other countries, there are countries in which some minorities are discriminated, in which women are not the sunrise a man because they think that is normal and is right. So it means that the law is the product of the society, for the good and for the bad, of course and if the society is bad, according to human rights perspective, we have bad laws. This is another important point. Law and Justice are not the same law is a list element is an instrument to impose some behavior to people. If I create discriminatory law in Italy, during the fascist period in other countries now are they against minority against women. This though, of course, are not in line with the idea of justice, but are still low, are still mandatory. During the Nuremberg process. Many people react to the request of the prosecutors say I simply comply with the law. And that works really well against human rights. But what Steve law so law and justice are different, of course, after the second word, but also before be more precise. In the Enlightenment period. We have decided that there are some core values that we call human rights and fundamental freedoms that are over all the laws that are the basic requirements for all human beings for all societies. And based on this framework, we can say that there are some laws in some countries that are against human rights. And we can say that people should not respect laws that are against human rights. Also, if you're a military person, you can react can deny to execute an order that is against fundamental human rights. And this is recognized by international. So international law agree about us minimum core values that is represented by EMRs fundamental freedoms and try to protect these core values know the complex, this is represented by the UN Charter of Fundamental Rights. The Council of Europe Convention on Human Rights on the rights and there will be in charge of fundamental rules and many other chairs that are not mentioned. In other countries. So all around the world, we all agree that there are some core values that must be protected. Of course, as usual, the fact that something must be protected doesn't mean that you know the countries the government the parliament, provide adequate protection. And for this reason, there are action by international bodies, like United Nations because the Europe, European Union, towards the countries that are not aligned, you know, in Europe, some critical case like Poland and gave you about the lack of compliance with fundamental principles, rule of law and human rights and the same at international level with regard recently to Russia, but also with China and Myanmar, and many other countries that are not complying, or full compliance with the human rights so in this sense, some value system that some values and some principle that we can say are universal values and universal principle.

Principle but at the same time, at the local level, to civic. Okay I don't know because it's mute for you bucks, okay. So, in this case, we got some, I think the ratio of some general principles or Core Principle Matter first at national level, there is much more in regulating society. The goal of the law is to is to regulate society, of course, what it means to regulate in society. There are two goals. The first one is shaping society. So shaping the allocation of power. Typically, one of the goal of the law is to decide how the powers are allocated inside society. And this is a public law, something that will not discuss during the course. And then we have the private law that is about the relationship between people. And this is the other goal of the law that is reducing the conflict. So the law exists basically, because the people do not sometimes make something when we have a copyright law. We are copyright law because there are people that copy your painting and send your painting without your agreement. Why Well, data protection law because we are people that use your personal data to make business without asking. So typically when we are a piece of law because there is some people that do not respect what is written in though and this is exactly the goal of the law. So reducing the potential conflicts and try to cannot to channel this conflict in a more formal and regulated world. So if your classmate, copy your worker, you don't go to his room and react very badly towards him or grow his personal computer science intact, but you can apply for these plugins and you go to the dedicated body that we have at Polytechnical and they say there is a case of plagorism Please react and the body of from the disciplining person according to this event, the procedure can make a specific decision on the case and sanction the person that as illegal to use your content. So this is an example in the field of the university but this is the main reason because we have the row because the people do not spontaneously agree and act or there are conflicts and we do not want us from discomforting facts in something that cannot be recorded. We want to try to find the right balance in order to solve this conflict without creating violence or strong disagreement in society. For this reason, we created this system for this reason we agree about the fact that the law is binding the word is in the law, you have to respect. Of course, in the democratic countries, this is also the result or the process in which we make the law because it's something that directly and directly. We all agree. So if there is an agreement, of course I'm binding by the agreement. If I say I agree about this piece of law, of course I respect because I agree. In non democratic countries, the result is by the force of the law, by the force of the people that can impose this is not based on the fact that you agree with that law, but the fact that that law is binding, there are forces that can enforce you to a specific behavior. And this is the key element of the law. That is different from what we'll see. For instance, in the ethics, ethics is not binding. We'll discuss about that ethics in the next classes. Ethics is not binding. Ethics are values that you can decide to follow or not. But if you don't follow an ethics value, is a matter of reputation is a matter of your feeling about some attitude action, but there is not any legal counselors. So if you do not comply with an ethical code about data, there is not a big issue. But if you don't comply with data protection, the Data Protection Authority can give you a sanction. Or stop your data processing or ask you to destroy your data that you have collected. And this is quite different in terms of impact. So the law is also characterized by this great power of imposing some behavior is an instrument that is based by the course and by the law enforcement that can impose this behavior. The last important part in this lie that is that is not only the law that is able to create the binding relationship, but the law make it possible for private parties to create despite the relationship, what it means it means contract. What is a contract? A contract is not a mere agreement. Come tomorrow to my home to add a pizza together. This is an agreement not a contract. If you don't count is not a niche. But if you call a restaurant and book for a pizza for tomorrow, and you don't go you can be asked to pay something depends by agreements. Okay. So there is a distinction between general agreements and legal agreements, legal agreements denature to be a legal agreement is binding. It means that you have to do what you agree so if there is a third condition is not a mere gentleman agreement is something that you have to respect and if you don't, there are consequences. This is very important because large part of it Law Of course, you're regulated by contract is regulated by terms and condition by general terms, etc. And in all this case, we have to be aware that in the moment in which we create or the moment in which we agree with these terms, we abide it. So to give an example, there was a case that I follow for the UFC that is the the landscape funding project for European Union research project. And there was a clever guy, by the way, that was in Oxford and wants to create a machine learning data. database of images for machine learning purposes is not a to that the objects and the reaction between the object and person, etc. And to do that, it decided to grab everything online, starting from YouTube video person, I would say just et cetera, okay. This is feasible, but what is the problem that the if you land on the YouTube page, that is clearly set in the terms and condition that that content are not freely available for use, you can watch but you cannot download and you you ever use for your own purpose. That of course there are many other issues in that case, but just to remain on this because it's right to what I just said. This is a typical problem, if infringed, the facts or condition of the platform. So that behavior was not legally acceptable, because was against the contract that he has set when use that platform. So in this sense, the role of contract is very important because created binding requirements in the same way the law can create. Of course, what is the difference? The law is for everyone. Or for large group we can say if there is a legal binding requirement, it means that an entire group have to comply with that requirement. The contract is only between the parties. So you are binded only if you are part of the contract if you are not part of the contract, that whole that exists in the counter does not affect you. So the level is different, but it's very important to keep in mind that when we talk about the legal system and rules and norms, they do not come only from the law, but also from all the agreements that have a legal relevance in the according to the legal system. Where are the big players in this model? As a consequence of what we have said, we have four big players the legislator that creates the law and below is stronger we have said in the continent that Europe, of course, also income or not, because I make black and white distinction, but over the times things change, as in us. I quote the seizure are more important than the then according to the model, you can say it's also true that income elope they no longer focus only on previous case because you cannot recreate antitrust looking at previous case you cannot regulate the AI look at previous case because you need those and those are case in order to cover all the issues and you need now our integration of AI you cannot expect that many decision go to the court to solve the problem. So, as a common law, they have statute they have regulation because they need to focus on to recreate in detail some specific aspects and not wait that this kind of issue bring in front of a court. So the courts that the children of the course more specifically to understand that the law you have to look at the decision of the course you cannot understand the new color the texture alone, because that tax can be interpreted in a different way. So you need that the law and you need interpretation and the depredations provided by the court. So you have to look at the decision of the court. Of course, based on what we have said at the High Courts, mainly the legal scholars, both Legislature and the courts have no time to study and in order to address new issue you have to study to reflect how you want to regulate AI. In Bristol, they are discussing about that. But our parliamentary members in Brussels are not experts in AI from the legal from the technical side so they need some support they need some ideas in order to decide how to regulate and these are all of the legal scholars, legal scholars, provide ideas to legislators and also make a sort of review of the decision of the court and they say oh, for instance in the last case of the Supreme Court on the abortion a large part of the legal school as in US criticize the position of the court provide the argument against what this exercise is important, because tomorrow another case in front of the Supreme Court that that to address the similar issue can take additional position based on the criticisms pressed by the legal scholar. So the legal score or beat the brain we can save the system that provides some ideas of course at this tweeted democratically oriented so there are many different ideas of people in favour the decisions are the source of idea we can say. And the fourth international law firm is about what you said about the contract. Right the terms or condition of Google right then so condition Facebook with right that's a condition of big platform, of course impact on an entire sector, because their platform, there are subsidiaries and there's an entire environment that is regulated by that kind of agreement. So the contractor, the force of the contract in order to regulate the areas is strictly related to who create the contract and that contract are created by a few big law firms active at global level that fix the contractual climate agreement for it for supply chain for many different sectors. Of course, this is a power in terms of creating a system is a system created in Botswana among private practice, but in terms of impact is impactful because the terms or condition of Google are great big markets. So who write that terms. And conditions set of rules for a big mark. Of course, I'm under the others, because a court can decide that that part of the agreement is illegal and that they have to change. And the law is over the court because the law can change some piece of the law and the court to comply. So, the actor are not at the same level in terms of impact. A new piece of law can destroy he has of jurisprudence he has of case law. As a new that she journal the court can destroy right so many law firms, because say that some specific provision says specific laws is not a sector.

But all are the actors. And if you want to really understand that a field, a sector of law, and a specific country law we have to consider all disaster for this reason is not so easy to deal with. Because we have to know all these aspects in the course I give you a summary, mixing all the elements and provide you as the solution we can say I will say this is how the problem is solved. But behind the resolve this complexity, the solution that I provide you is the merge of the law, the interpretation by the court and the practice. You see all the the final stage, but the unresolved, okay, so this was an introduction. I was not too shocking about the legal framework, but this the basic because if you have no idea about the legal framework cannot be okay. I think we have to finish